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Issues

for
RHODE ISLAND
MANAGEMENT

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SUPERVISORS SET THE TONE IN THE WORKPLACE

Hassles, fear and infighting, tension — these situations occur in most work environments at one time or another. But if they happen daily, if employees are constantly preoccupied with one or more of these conditions, then the fault probably lies with the supervisor.

The supervisor usually sets the tone of the workplace. If his or her policies appear rational and fair, his or her manner forthright and open, if he or she is in touch with employees, these characteristics are communicated to the people. They develop a general feel for the way things are handled in the agency, and their behavior is likely to be consistent with what you expect.

If, on the other hand, the supervisor exhibits favoritism and if his or her policies appear erratic and inconsistent, if employees entering the supervisor's office do not know how they will be greeted, with a business-like tone, or with ranting and raving, then smooth functioning is seriously impeded.

Most workers have heard of departments and agencies where the employees were "shaking in their boots" with fear of angering the boss. They were so afraid of doing the wrong thing they didn't have time to do the right things — to perform their work efficiently and to develop their skills. Trying to make themselves look favorable in the eyes of an erratic boss, they often sink to attempting to look good at a colleague's expense — and so starts the infighting.

Competent employees see the folly of remaining in such an atmosphere and seek jobs elsewhere. Marginal employees who could develop into good workers, sway in the direction of least resistance and continue at a low or unacceptable level.

If you encounter any of these problems, here are suggestions you can take to improve the situation. As yourself these questions:

- Look at your decision making process. — Is it based on business realities and the business environment, or does your mood of the moment have too great an impact? Do your personal fears and concerns, your individual likes and dislikes, play too great a part in business judgments?
- Study the state of your relations with your subordi-

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EMPLOYMENT LAW CLINIC

Can References Regarding Former Employees Result In Litigation?

Many in the field of Human Resources Management are reluctant to tell the truth when asked for references regarding former employees, out of concern that a candid reference may result in litigation. Legal experts however, believe that the risks of litigation involved in providing references have been exaggerated to the point where employers rarely provide any information except "neutral" facts, such as date of hire, position, salary confirmation, and last date of employment.

According to the Labor and Employment Law Department of the firm of Sirote & Permutt, P.C., the greatest risk that an employer faces when disclosing information about a current or former employee is a claim of defamation. The employer may be guilty of defamation if he communicates an untrue statement about an individual to a third person, the statement injures the person about whom it is made, and the communication is not protected by a privilege. A second potential cause of action that may arise from giving references is a claim of invasion of privacy. One theory of invasion of privacy involves the situation where unreasonable publicity is given to a personal, private fact. In this situation, what is communicated is true, unlike defamation, but the statement is simply communicated to too many people, such as those who do not have a reason to know the information. In short, providing references may create legal risks for employers for either providing statements that are untrue, or providing information to individuals who do not have a need to know.

If an employer wants to do more than simply provide a "neutral" reference, yet minimize the potential risks of litigation, here are some practical suggestions to consider:

- Tell the employee during the exit interview the nature of the reference that will be provided. Litigation risk is reduced when the employee knows prior to seeking employment elsewhere the type of reference the immediate past employer will provide. If the employee hears about an adverse reference for the first time from a subsequent potential employer, the employee may feel compelled to litigate to "clear his name."
- Employers should limit the authority of employees

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RIEAP AND THE SUPERVISOR

The Rhode Island Employee Assistance Program (RIEAP), a free service available to all State employees and their dependents, is a highly confidential, professional source of help for persons needing information, assessment and referral to counseling or treatment sources throughout Rhode Island.

All State agency supervisory personnel should be aware of the following:

- Personal or medical problems can effect job performance and it is because of this concern that RIEAP is offered to employees.

- Supervisors are expected to offer RIEAP services as an option whenever they believe that an employee might benefit from the referral.

- The RIEAP does not alter departmental procedures for dealing with job performance and work habits.

- Supervisors are expected to follow agency procedures when referring employees to RIEAP and to maintain strict confidentiality.

- It is not the responsibility of supervisors to determine or resolve the problems of employees. This is the employees' responsibility.

- An employee may seek RIEAP services as a self-referral, often before job performance is affected, and supervisors should support these voluntary efforts.

- Its use does not threaten or guarantee job security. Job performance is all that supervisors should monitor and act upon.

- Employee dependents may also use RIEAP services.

THE SUPERVISOR'S FIVE-STEP APPROACH

The following approach should be used in referring employees to RIEAP.

1. Recognition — Learn to recognize the troubled employee. Some signs are performance deterioration, tardiness, and absenteeism.

2. Documentation. — Take notes on incidents of poor work performance (output) and poor work habits (behavior) as they occur including date, time and specifics. Reorganize them into patterns.

3. Action. — As documentation warrants, take action using corrective interviews and established disciplinary procedures. If after a reasonable length of time, the employee's job performance and work habits have not come up to standards, the employee may benefit from a referral to RIEAP.

4. Referral. — When the employee accepts the offer for assistance, make the referral to RIEAP immediately. Reassure the employee of the confidentiality of the program and emphasize that the only information that the RIEAP counselor will give the supervisor is whether or not the employee kept the appointment and follows the recommendations.

5. Reintegration. — As the employee becomes involved in outside resources and begins to reintegrate with the work unit,

- encourage the employee
- avoid displaying sympathy
- continue to document, confront and discipline when appropriate
- identify relapses in performance
- develop a team approach by consulting with other

appropriate managers in the unit and the agency's RIEAP contact.

The ultimate goal of the program is a happier and more productive employee whose personal life and work habits are back on track.

Rhode Island Employee Assistance Program counselors who meet with employees:

- define and evaluate problems for the employee
- assist the employee to identify helping resources
- refer the employee to helping resources
- advise the employee about insurance coverage
- follow-up to assure attendance and completion of services
- report to program administrators and supervisors only on attendance and completion of services
- maintain strict confidentiality of the employee's personal/medical problem.

THE BOOK MARK

How to Zig in a Zagging World: Unleashing Your Hidden Creativity, by John M. Keil.
John Wiley & Sons, New York, NY

You're looking for an innovative way to solve a particularly thorny problem in your work.

Or for an original idea that will make your job easier.

Or for an ingenious approach to persuading your boss to accept your proposals for improving the way you do your job.

Here is a book for you. It's titled *How to Zig in a Zagging World: Unleashing Your Hidden Creativity*.

Written by John M. Keil, a former ad executive, the book shows you how to get your temperamental creative side to do your bidding.

For starters, Keil identifies these characteristics of creative people:

- They're independent because they look at things differently. *Tip:* To help develop this talent, solve a problem with the obvious approach — even if it seems to be the correct way. Then do it again using a different approach.

- They're curious. *Tip:* Start thinking like a child again. *Example:* If you're on a plane or train, look at the people and wonder about them and why they're doing what they're doing.

- They have flexibility, the ability to bend and change course. They have to deal with people who ultimately judge their work.

- They are willing to solve problems and even relish the challenge.

Keil also shows ways to handle criticism, deadlines, pressure and stress when trying to get your ideas into motion. And he suggests how to use brainstorming techniques and how to sell ideas and make presentations. In a section titled "Preselling Your Audience", he offers these guidelines:

- Tell and show; don't show and tell. "Presell before you show them what you're doing." *Why:* If what you're doing is different from what the person is expecting, then you've got to prepare him or her.

- Often you must educate the person you're preselling.

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Example: You're proposing a revised or new program. You must educate the sellee on the shortcomings of the existent program or the need for a new program before presenting your proposal.

Having trouble getting excited about creating something? Neil offers this advice: "Look at and experience what others have done in the field you're interested in. Surround yourself with greatness. Read...Do some research. Try to figure out the thinking pattern of the people who are experts in your particular field."

JOB BURNOUT IS A HOT ISSUE

WARNING: Falling out of love with your job can be hazardous to your health!

Here are ten signs of job burnout:

- You tire easily, feel fatigued.
- You find you are working harder but accomplishing less.
- You feel depressed, sad, without any apparent cause.
- You are increasingly irritable, short-tempered and critical of people around you.
- You have chronic physical problems, such as headaches, backaches, ulcers, colitis, heart problems.
- You feel there is little fun left in your life. It's all work and no play.
- You have a continuous need to be busy.
- You put off routine things, such as returning phone calls, writing letters, reading reports and doing the monthly bills.
- You are losing interest in sex.

HOW TO COPE

- Seek a new perspective on yourself and your job. Think about whether your expectations were unrealistic and change them if they were.
- Try to change the job by seeking new assignments and projects.
- Make sure your work life is balanced by a well rounded

AUDITING YOUR TIME LEAKS

How much time do you lose through these 12 common time "leaks?"

1. Starting a job before thinking it through.
2. Doing unproductive things from sheer habit.
3. Keeping too many unnecessary records.
4. Paying too much attention to "low return on investment" items.
5. Failing to anticipate crises.
6. Making unnecessary visits or phone calls.
7. Socializing at great lengths between tasks.
8. Failing to build good barriers against interruptions.
9. Doing things that should be delegated.
10. Doing things that aren't part of the job.
11. Failing to plan regularly with your boss.
12. Engaging in personal work before starting business work.



SYBIL SERVICE SAYS . . .

Good character is more to be praised than outstanding talent. Most talents are, to some extent, a gift. Good character, by contrast, is not given to us. We have to build it piece by piece — by thought, choice, courage and determination.

life outside the job. Put more energy into recreational pursuits, family and friends.

- Agencies in cooperation with the Office of Personnel Administration should provide more flexibility in modifying jobs, offer improved opportunities for training and development, and arrange better channels of communication for complaints.
- Whenever problems become overwhelming, contact the Rhode Island Employee Assistance Program (RIEAP). Call 828-9560 or Toll Free 1-800-445-1195.

RIEAP Office Locations:

33 College Hill Road, Warwick
8 Summer Street, Pawtucket
Marquette Plaza Building, Woonsocket
Aquidneck Medical Center, Newport

SUPERVISORS SET THE TONE

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nates. — How do you appear to them? Do the workers hesitate to approach you with problems, suggestions or information? Do they believe they will not get a fair and businesslike response? Do they respect you or merely fake respect to keep their jobs?

Improve these relationships by showing employees, through your actions, that their comments will be listened to and considered on their merits. The supervisor should make it clear that communications from employees are a necessary and desirable part of office functioning.

ISSUES

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Rhode Island's 1986 landmark mandatory recycling legislation has made Rhode Island a national leader in recycling. Each year we make new strides; our latest efforts are directed at the state purchase of recycled paper. Buying recycled paper will enhance markets for recycled materials collected in Rhode Island.

The Division of Purchasing is working with the Department of Environmental Management to make a variety of recycled papers available to all state agencies. Currently, white xerographic 8½ x 11" paper at \$2.70 per ream and 25% rag bond, 8½ x 11" paper at \$5.08 per ream are available through the stationery store.

Based on the excellent results achieved by other states in using this stock, the Department of Environmental Management and the Division of Purchasing encourage all state agencies to introduce its use in their paper requirements.

Orders for recycled xerographic and 25% rag bond paper can be placed by following standard stationery store ordering procedures. A minimum order of one case is required. No partial case orders will be accepted.

State agencies are encouraged to publicize their use of environmentally sound papers by typing the words "recycled paper", in the lower right hand corner of letters, reports and other documents that will be typed, copied or printed on recycled paper.

For more information call Jan Aceti (277-3434) at DEM or Bob Moan (277-2140) at the Division of Purchasing.

REFERENCES

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to make disclosures about other current or former employees. Instruct all employees that any inquiries received about a current or former employee should be directed to a centralized location, such as the human resources section. Train the personnel in the human resources section in how to respond to such inquiries to be sure that the information communicated is consistent with agency policy.

- Determine who should have access to what information in the personnel file. Segregate medical information from other employment records.

When seeking references about an applicant, here are some approaches that may maximize an employer's ability to obtain more than just neutral information about the applicant:

- Call the applicant's immediate past supervisor for the reference, rather than the human resources department. Unless that employer has followed the procedures outlined above, the supervisor may provide candid information about the former employee.

- Make reference inquiries after the applicant has been interviewed. That would provide the employer the opportunity to ask more specific questions about the applicant, rather than questions based upon the employment application.

- Obtain from the applicant a consent for previous employers to disclose information regarding the individual's job performance. An individual who consents to such disclosure will be limited in his ability to pursue defamation or invasion of privacy claims.

ISSUES IS SPONSORED BY THE FOLLOWING DEFERRED COMPENSATION CARRIERS . . .

Deferred Compensation — an employee benefit with far-reaching advantages . . .

State employees can save for the future by participating in the deferred compensation program, a way of putting money aside without having to pay taxes on it, or the income it earns, until retirement when your tax rate is usually lower. Managers can assist their employees in learning more about deferred compensation by showing them an audio-visual presentation that clearly explains the deferred compensation program. To arrange to show this slide-tape production, call the Employee Benefits Section, Office of Personnel Administration at 277-3160.

This newsletter is sponsored by the state's five carriers of the deferred compensation plan.



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